

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION
IN THE MATTER OF:)
SANDRA ANDERSON)
-VS-) No. 11-0164
COMMONWEALTH EDISON COMPANY)
Complaint as to billing/charges)
in Sycamore, Illinois)

Chicago, Illinois
October 11, 2011

Met, pursuant to adjournment, at
11 o'clock a.m.

BEFORE:
MR. TERRANCE HILLIARD,
Administrative Law Judge

APPEARANCES:
MS. SANDRA ANDERSON (via telephone)
1821 Kerrybrook Court
Sycamore, Illinois 60178
appearing pro se;
MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois
appearing for Commonwealth
Edison Company

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS EXMNR.

SANDRA
ANDERSON 27

DAVA
McKINNEY 48

E X H I B I T S

ANDERSON FOR IDENTIFICATION IN EVIDENCE.

Nos. 1	29	
2	31	45
3	33	45
4	33	45
5	34	45
6	35	45
7	36	45
8	37	45
9	40	45

COM ED FOR IDENTIFICATION IN EVIDENCE.

Nos. 1	50
2	50
3	50
4	50
5	50

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket No. 11-0164,
3 Sandra Anderson versus Commonwealth Edison Company.

4 Ms. Anderson, you are I believe going
5 to be testifying as a witness and the company will
6 be testifying, and I would ask both of you to raise
7 your right hand and be sworn.

8 (Witnesses sworn.)

9 Okay. Ms. Anderson, you are the
10 complainant. You have the burden of proof and the
11 burden of going forward, so why don't you make your
12 presentation. Tell us what you have to say. We
13 have your exhibits here.

14 PRESENTATION

15 BY

16 MS. ANDERSON:

17 Okay. Thank you. I am here today
18 because I want to prove that there's been deficient
19 performance by Com Ed and that they did not conform
20 with compliance in the non-formal complaint and that
21 there has been a violation of the Public Utilities
22 Act by Commonwealth Edison.

1 JUDGE HILLIARD: Okay.

2 MS. ANDERSON: I believe in the last hearing
3 before this one where it was continued, you asked
4 Commonwealth Edison to explain the FERC energy
5 charge, or whatever it was called, on my bill.

6 JUDGE HILLIARD: Okay.

7 MS. ANDERSON: And then if we go to my exhibits
8 now that I mailed in to you --

9 JUDGE HILLIARD: All right.

10 MS. ANDERSON: -- and there's a letter here from
11 Spark Energy that confirms that there is no extra
12 charge. It's just where I can get a fixed rate for
13 my kilowatts that is cheaper than what I was getting
14 from Commonwealth Edison. So if you can just look
15 at that, it just tells you that in the first
16 paragraph, and I think I did put a zero where it
17 says there's a zero monthly charge. So there should
18 be no extra charge on my bill in regard to Spark
19 Energy.

20

21

22

1 (Whereupon, Anderson
2 Exhibit No. 1 was
3 marked for
4 identification.)

5 JUDGE HILLIARD: Okay. That's been marked as
6 Anderson Exhibit No. 1.

7 MS. ANDERSON: Okay.

8 JUDGE HILLIARD: All right. Now I think that's
9 probably the procedure that we are going to follow
10 here -- or maybe I should ask the parties what
11 procedure they want to follow. I would suggest we
12 just let Ms. Anderson make whatever presentation
13 she's going to make and then the company can respond
14 to what she's got to say. And if you have documents
15 that you would like to make part of the record, you
16 can do that, and she can do that, and we'll proceed
17 that way. Okay.

18 Do you have a question?

19 MS. MORENO: We have not seen her evidence.

20 MR. GOLDSTEIN: We haven't seen any of her
21 exhibits.

22 JUDGE HILLIARD: All right. We made copies of

1 these the last time, so I will -- what she's
2 referred to as a letter from Spark Energy --

3 MS. MORENO: Judge, also, if I may interrupt,
4 Spark Energy is not part of the complaint that she
5 filed with the ICC.

6 MR. GOLDSTEIN: Yes.

7 JUDGE HILLIARD: When you make your presentation,
8 you can say whatever you need to say. This is her
9 time to say what she wants to say.

10 MR. GOLDSTEIN: Let her say whatever she wants,
11 then I'll cross-examine her.

12 JUDGE HILLIARD: That's right. So this is a copy
13 of the March 24th letter from Spark Energy, which
14 has been marked as Exhibit No. 1, so you can review
15 that. Okay. All right.

16 Ms. Anderson --

17 MS. ANDERSON: Yes.

18 JUDGE HILLIARD: -- I have your other exhibits
19 here. Do you want to talk about those?

20 MS. ANDERSON: Yes, I do. The two things what
21 I am complaining about in regard to Com Ed and what
22 I'm asking the Illinois Commerce Commission to

1 enforce is also that there has been excessive rate
2 charges on my bill, and that is the reason why I
3 believe you requested that they explain what the
4 Spark Energy charge is on my bill, because the next
5 exhibit that, your Honor, I will ask you to look at
6 is the Com Ed bill issued -- I have in yellow, where
7 it was issued July 1, 2011 --

8 JUDGE HILLIARD: Okay.

9 MS. ANDERSON: -- and the amount of the bill is
10 \$717.65.

11 JUDGE HILLIARD: Right. I have it in front of me
12 here.

13 MS. ANDERSON: Okay.

14 (Whereupon, Anderson
15 Exhibit No. 2 was
16 marked for
17 identification.)

18 JUDGE HILLIARD: It's Anderson Exhibit 2. I'm
19 going to tender a copy to the attorney for the
20 company.

21 MS. ANDERSON: Okay.

22 JUDGE HILLIARD: Okay.

1 (Exhibit tendered.)

2 MS. ANDERSON: And this is in regard to excessive
3 rate bills sent that I have no idea what they mean.

4 The next exhibit was another bill that
5 was issued six days later, and the amount of that
6 bill is --

7 JUDGE HILLIARD: So that's a bill dated July 7,
8 2011, right?

9 MS. ANDERSON: Yes.

10 JUDGE HILLIARD: All right. Go ahead.

11 MS. ANDERSON: And the amount of that bill is
12 \$813.73. Now this is just six days later.

13 JUDGE HILLIARD: Right. I have tendered a copy
14 of that bill to --

15 MS. ANDERSON: Which, your Honor, I would like to
16 point out that that's a whole \$96 more in just six
17 days --

18 JUDGE HILLIARD: Right.

19 MS. ANDERSON: -- added onto the bill.

20

21

22

1 (Whereupon, Anderson
2 Exhibit No. 3 was
3 marked for
4 identification.)

5 JUDGE HILLIARD: Let me say for the record that I
6 gave a copy of Anderson Exhibit 3 to Mr. Goldstein.
7 Okay.

8 MS. ANDERSON: So that, again, this is what I'm
9 speaking about with regard to excessive rate
10 charges.

11 (Whereupon, Anderson
12 Exhibit No. 4 was
13 marked for
14 identification.)

15 Then I have another bill here, and
16 this is Exhibit 4.

17 JUDGE HILLIARD: Dated August 3, 2011.

18 MS. ANDERSON: Yes.

19 JUDGE HILLIARD: All right.

20 MS. ANDERSON: And the amount of that bill is
21 \$753.60.

22 (Exhibit tendered.)

1 JUDGE HILLIARD: Okay. I tendered a copy to
2 Mr. Goldstein.

3 (Whereupon, Anderson
4 Exhibit No. 5 was
5 marked for
6 identification.)

7 MS. ANDERSON: I received another bill. This is
8 Exhibit 5, dated August 8, 2011, five days later.

9 JUDGE HILLIARD: Right. Anderson Exhibit 5 I'm
10 giving a copy to Mr. Goldstein.

11 (Exhibit tendered.)

12 MS. ANDERSON: The amount of that bill was
13 \$889.81. So now this is \$136 added to the bill only
14 five days later.

15 JUDGE HILLIARD: Okay.

16 MS. ANDERSON: Again, the reason why I ask that
17 you look at this, your Honor, is because that is
18 exactly five days later \$136 more onto the bill, and
19 then for the two July bills it was \$96 added onto
20 the bill in six days.

21 JUDGE HILLIARD: Okay.

22 MS. ANDERSON: Okay. And then I have a copy of a

1 Senior Citizen Handbook, Public Utility Act, from
2 Illinois Legal Aid. You gave me the idea to look
3 that up in regard to finding some sort of legal aid
4 service situation.

5 (Whereupon, Anderson
6 Exhibit No. 6 was
7 was marked for
8 identification.)
9 (Exhibit tendered.)

10 JUDGE HILLIARD: Okay. And that's Anderson
11 Exhibit 6. And I have tendered a copy to
12 Mr. Goldstein.

13 MS. ANDERSON: And it says that if you have been
14 a customer for at least two years -- I've been a
15 customer of Commonwealth for over 20 years. I have
16 never been disconnected ever for nonpayment of my
17 bill or disconnected for any reason.

18 So it says there that I cannot be
19 asked to pay a deposit for late payment unless I
20 have been disconnected.

21 JUDGE HILLIARD: Okay.

22 MR. GOLDSTEIN: Could you point out where it says

1 that, Ms. Anderson?

2 MS. ANDERSON: At the top of the page it says
3 "Illinois Legal Aid," and it's Page 2 of 14 and it's
4 the third paragraph.

5 JUDGE HILLIARD: I think what you are referring
6 to is paragraph one, two, three -- fourth paragraph
7 from the top.

8 MS. ANDERSON: Yes.

9 JUDGE HILLIARD: Okay. He sees that. Do you
10 have anything else you want to say?

11 MS. ANDERSON: I'd like to go to my Account
12 Activity Statement where they show that they did
13 charge me a deposit.

14 JUDGE HILLIARD: And that's Anderson Exhibit
15 No. 7.

16 (Whereupon, Anderson
17 Exhibit No. 7 was
18 marked for
19 identification.)

20 MS. ANDERSON: And that would be a violation of
21 the Public Utilities Act.

22 JUDGE HILLIARD: All right. I'm going to tender

1 a copy of Anderson Exhibit 7 to Mr. Goldstein.

2 (Exhibit tendered.)

3 All right. Go ahead, ma'am.

4 MS. ANDERSON: And then, your Honor, I sent in a
5 copy of my -- a recent copy of my payments. If we
6 are going to continue, which I hope that that won't
7 be the case, that I do have, you know, other
8 payments that were mailed in directly by me in
9 regard to the bills that were sent to me.

10 JUDGE HILLIARD: All right. And that's Anderson
11 Exhibit 8.

12 (Whereupon, Anderson
13 Exhibit No. 8 was
14 marked for
15 identification.)

16 MS. ANDERSON: And it says on the Account
17 Activity Statement, which goes back to when I filed
18 this formal complaint -- because in the closing
19 notes of the informal complaint, Com Ed said that my
20 bill was at a zero balance and it shows that on the
21 activity statement, and I have a \$5.95 credit.

22 JUDGE HILLIARD: What are you referring to there,

1 ma'am?

2 MS. ANDERSON: It's on my Account Activity

3 Statement. It says, "Com Ed Account Activity

4 Statement" at the top, and it's dated

5 November 8, 2010.

6 JUDGE HILLIARD: All right. All right. And --

7 MS. ANDERSON: So -- okay.

8 JUDGE HILLIARD: -- specifically what line of

9 that document are you referring to?

10 MS. ANDERSON: There it shows on the last word

11 where it says the date --

12 JUDGE HILLIARD: Right.

13 MS. ANDERSON: -- and then charge type --

14 JUDGE HILLIARD: Okay.

15 MS. ANDERSON: -- it shows where on November 7,

16 2010 there is an installment charge of \$19 for a

17 deposit. It says at the top that the whole amount

18 of the deposit that they're requesting is \$95.

19 JUDGE HILLIARD: All right. But it's January

20 7th, not November 7th, right?

21 MS. ANDERSON: Yes. Yes. That's the first

22 deposit installment on the bill.

1 JUDGE HILLIARD: Okay.

2 MS. ANDERSON: And on the activity statement --

3 JUDGE HILLIARD: Then there's other --

4 MS. ANDERSON: -- \$19 installments as you see go
5 down the line. The next one is February 5th of
6 2010.

7 JUDGE HILLIARD: Then there's one from April 6th
8 of 2010, one from June 4, 2010 --

9 MS. ANDERSON: Yes.

10 JUDGE HILLIARD: -- and one from August 4, 2010.

11 MS. ANDERSON: Yes. So this is what they have
12 charged a deposit onto my account that should not
13 have been there.

14 JUDGE HILLIARD: Okay. All right. What else?

15 MS. ANDERSON: And then I just believe while I'm
16 not able to be there in person today, I sent you a
17 copy of my limited mobility from my doctor.

18 JUDGE HILLIARD: And that's Anderson Exhibit
19 No. 9, right?

20

21

22

1 (Whereupon, Anderson
2 Exhibit No. 9 was
3 marked for
4 identification.)

5 MS. ANDERSON: Yes.

6 JUDGE HILLIARD: I'm going to give a copy of that
7 to Mr. Goldstein.

8 (Exhibit tendered.)

9 All right. Anything else?

10 MS. ANDERSON: And then I know, your Honor, that
11 you told me that it's not up to you to gather, you
12 know, information for my complaint, that the burden
13 of proof is on me, but I wouldn't have access to the
14 notes of the informal complaint, but I just ask that
15 you review that, because the only thing that I have
16 to prove is that that was what the agreement was to
17 close the complaint was that I was suppose to have a
18 \$5.95 credit on my bill shows on the activity
19 statement that we just went over Exhibit No. 7 --

20 JUDGE HILLIARD: Okay.

21 MS. ANDERSON: -- and then that at the time that
22 my bill was 132.07, and then I sent you a copy of my

1 payment that shows you that I did make that payment
2 of 132.07.

3 JUDGE HILLIARD: And that is on Anderson Exhibit
4 No. 8, and it shows a payment on January 10, 2011;
5 is that right?

6 MS. ANDERSON: Yes, that is correct.

7 JUDGE HILLIARD: Okay. Okay. What else?

8 MS. ANDERSON: And then the next bill that I
9 received after that was for \$60.79. Now I paid the
10 132.07. The next bill that was issued, which would
11 have been January 3, 2011, I received a disconnect
12 for \$460.79, and that is why we are here today, and
13 it's just been -- since then, it's just been
14 increasingly ridiculous to the excessive charges
15 that have been on my bill that we have already gone
16 through in the exhibits.

17 JUDGE HILLIARD: Tell me again the date and the
18 amount?

19 MS. ANDERSON: The date and the amount of the --

20 JUDGE HILLIARD: The last charge that you
21 mentioned.

22 MS. ANDERSON: The date was January 3rd. The

1 bill was issued January 3, 2011, and it was a
2 disconnect notice for \$460.79. This is right after
3 I had just paid the 132.07.

4 JUDGE HILLIARD: Is that on one of these
5 documents? Because I'm not seeing it.

6 MS. ANDERSON: No, it isn't. But that's why I
7 filed the formal complaint, because they didn't
8 comply with what was in the agreement for that
9 informal complaint. So that's why we are here
10 today.

11 JUDGE HILLIARD: Okay. Anything else?

12 MS. ANDERSON: No. That's pretty much it. And
13 I am just here to prove deficient performance by
14 Com Ed and that they were not in compliance with the
15 informal complaint, and that I have been charged
16 excessive rates on my bill, and where they violated
17 the Public Utilities Act for charging me a deposit
18 on my bill. My bill has not been accurate since I
19 moved to this address.

20 JUDGE HILLIARD: Okay. All right. Do you want
21 to move for admission of Anderson Exhibits 1 through
22 9 into the record?

1 Excuse me, Miss. If you want to
2 talk, would you go outside the room, because I'm
3 having trouble hearing what's going on here.

4 Do you want to admit these exhibits
5 into the record?

6 MS. ANDERSON: Yes.

7 JUDGE HILLIARD: Okay. Do you have any
8 objections?

9 MR. GOLDSTEIN: Judge, could I see Exhibit 2
10 again. I dropped it somewhere.

11 (Exhibit tendered.)

12 Okay.

13 MS. MORENO: Can I see the exhibits since I
14 haven't seen them.

15 JUDGE HILLIARD: Yes. Talk to your counsel.

16 MR. GOLDSTEIN: With respect to the exhibits,
17 Judge --

18 MS. MORENO: Mark, could we take a minute,
19 please.

20 (A brief pause.)

21 MR. GOLDSTEIN: Judge, I have no objection to
22 Complainant's Exhibits 2 through 9. I have an

1 objection to the Spark Energy letter dated March 24,
2 2011.

3 First of all, it's irrelevant to the
4 complaint. Her complaint is, as I understood it,
5 that she was being charged a deposit when she should
6 not have been and that her bills are excessive.

7 The letter from Spark Energy doesn't
8 directly discuss those issues in any way. All it
9 does is say what her charge is going to be by using
10 Spark Energy as her alternate supplier, so it's
11 totally irrelevant to the complaint. It has no
12 evidentiary value at all and I object to its
13 admissibility.

14 JUDGE HILLIARD: All right. Do you have a
15 response, Ms. Anderson?

16 MS. ANDERSON: Yes, I do, your Honor. The reason
17 why you felt that in the hearing that we had where
18 you requested that they explain whatever that was is
19 because they brought it up in the hearing saying
20 that that was the reason why these bills that from
21 January 1st -- they're the ones who brought up Spark
22 Energy. I didn't and neither did you. They brought

1 that up saying that that's why these bills were an
2 excessive charge from the one that was sent out on
3 July 1st. That's why you asked them to explain
4 that.

5 JUDGE HILLIARD: Okay.

6 MS. ANDERSON: They brought that up about Spark
7 Energy. I did not bring that up. That's why these
8 bills -- why six days later my bill is \$96 more than
9 it was.

10 JUDGE HILLIARD: All right.

11 MS. ANDERSON: They brought this up. I didn't
12 bring up Spark Energy.

13 JUDGE HILLIARD: The date of the Spark Energy
14 letter is March 24, 2011. If in the company's
15 presentation Spark Energy is discussed, I'll rule on
16 that exhibit at that time, but for right now I'm
17 reserving ruling on Anderson Exhibit No. 1, but we
18 will admit Anderson Exhibits 2 through 9.

19 (Whereupon, Anderson
20 Exhibit Nos. 2 thru
21 9 were received in
22 evidence.)

1 Okay.

2 MR. GOLDSTEIN: I can say at the outset, Judge,
3 that there's not much we could say about Spark
4 Energy.

5 JUDGE HILLIARD: If it doesn't come up, then we
6 don't need to worry about it.

7 MR. GOLDSTEIN: And I have no testimony or
8 evidence with respect to Spark Energy.

9 JUDGE HILLIARD: Do you have any
10 cross-examination for Ms. Anderson?

11 MR. GOLDSTEIN: I have no cross.

12 JUDGE HILLIARD: Okay. Do you have any other
13 witnesses, ma'am?

14 MS. ANDERSON: No, I do not, your Honor.

15 JUDGE HILLIARD: All right. Then you are
16 probably going to want to rest your case right now
17 subject to the possible admission of Anderson
18 Exhibit 1, if that becomes relevant. Okay?

19 MR. GOLDSTEIN: Can we take about a two-minute
20 recess, Judge?

21 JUDGE HILLIARD: Sure.

22 Do you want to rest, ma'am?

1 MS. ANDERSON: Okay. Yes. That would be fine.

2 JUDGE HILLIARD: All right. They are going to
3 have a discussion for a minute, and then they're
4 going to put on their presentation. Okay?

5 MS. ANDERSON: Okay.

6 JUDGE HILLIARD: I'm going to put the mic on mute
7 so that they can discuss this. I'm going to leave
8 the room until they're ready to go.

9 MS. ANDERSON: All right. Thank you.

10 (Off the record.)

11 JUDGE HILLIARD: Ms. Anderson, are you still
12 there?

13 MS. ANDERSON: Yes.

14 JUDGE HILLIARD: The company's going to put on
15 their presentation now. They're going to call a
16 witness.

17 MR. GOLDSTEIN: I call Dava McKinney as our
18 witness, Judge.

19 JUDGE HILLIARD: All right.

20 MR. GOLDSTEIN: She's been sworn.

21 JUDGE HILLIARD: The procedure that we are going
22 to follow here is we let the company attorney

1 question the witness. And when he's through with
2 that, then you can cross-examine the witness and ask
3 her questions that you want to ask. Okay?

4 MS. ANDERSON: Yes.

5 JUDGE HILLIARD: All right. Go ahead,
6 Mr. Goldstein.

7 DAVA McKINNEY,
8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q. Ms. McKinney, please state your full name,
14 spell your first and last name, and by whom you are
15 employed and in what capacity?

16 A. Dava McKinney. D-a-v-a M-c-K-i-n-n-e-y,
17 business analyst, project planning for Com Ed.

18 Q. And how long have you been employed by
19 Com Ed and how long have you been in your current
20 position?

21 A. I've been employed by Com Ed for 11 years.
22 I have worked as an analyst for five years.

1 Q. And please describe your duties and work
2 experience at Com Ed?

3 A. I have extensive experience in dealing with
4 customer accounts and reviewing customer records.

5 Q. And how did you become familiar with the
6 account of the complainant, Sandra Anderson?

7 A. I was asked to review the accounts
8 associated with this customer in order to determine
9 whether the billing is justified and proper.

10 Q. In order to perform your duties, do you have
11 access to Ms. Anderson's account?

12 A. Yes.

13 Q. Do you have access to the books and records
14 of Com Ed which includes the account or accounts of
15 Sandra Anderson?

16 A. Yes.

17 Q. And, as I understand it, you are sponsoring
18 five Com Ed exhibits; is that correct?

19 A. Yes.

20 Q. Am I also correct that the information
21 contained on Com Ed Exhibits 1 through 5 was taken
22 from the company's books and records and that those

1 records are kept in the ordinary course of Com Ed's
2 business; is that right?

3 A. Yes.

4 (Whereupon, Com Ed
5 Exhibit Nos. 1 thru 5
6 were marked for
7 identification.)

8 Q. Let me turn your attention to what has been
9 marked as Com Ed Exhibit 1, which is the Com Ed
10 Account Activity Statement for Sandra Anderson. Do
11 you have that in front of you?

12 A. Yes.

13 Q. Could you explain --

14 A. Excuse me. I'm sorry.

15 JUDGE HILLIARD: Is that the same exhibit that
16 Ms. Anderson used?

17 MS. MORENO: Exhibit No. 1, Judge.

18 MR. GOLDSTEIN: I don't remember the date.

19 MS. MORENO: It is that one.

20 JUDGE HILLIARD: This document is dated 10-7-11;
21 is that right?

22 MR. GOLDSTEIN: This may be more current, Judge.

1 JUDGE HILLIARD: Well, do you have a copy for me?

2 MR. GOLDSTEIN: Yes.

3 MS. MORENO: That's your copy.

4 MR. GOLDSTEIN: That's your copy.

5 JUDGE HILLIARD: It's dated 10-7-11.

6 MR. GOLDSTEIN: Yes.

7 JUDGE HILLIARD: Is that the copy?

8 MR. GOLDSTEIN: Yes.

9 JUDGE HILLIARD: Is that the document?

10 MR. GOLDSTEIN: Yes.

11 JUDGE HILLIARD: All right. And have you

12 tendered a copy of this to Ms. Anderson?

13 MR. GOLDSTEIN: No.

14 JUDGE HILLIARD: Why not?

15 MR. GOLDSTEIN: I didn't know that she wasn't

16 going to be here.

17 JUDGE HILLIARD: We have discussed Ms. Anderson's

18 disability on every occasion that we have had a

19 hearing, every single occasion. She indicated every

20 single time that she can't be here.

21 MS. MORENO: Well, the information, Judge, that

22 we are going to be raising was sent to her July 19th

1 of 2011 and that is the relevant issue that we are
2 going to be raising.

3 MR. GOLDSTEIN: If you want to use her exhibit,
4 we'll use her exhibit, Judge.

5 JUDGE HILLIARD: Let's use her exhibit.

6 MR. GOLDSTEIN: Could we have that in front of
7 the witness.

8 JUDGE HILLIARD: You have got a copy of her
9 exhibit in front of you there? It's Exhibit No. 7.

10 MR. GOLDSTEIN: Here it is. It's out of order.
11 I'm sorry.

12 JUDGE HILLIARD: I'm going to show -- the set up
13 that we have got here, ma'am, is Mr. Goldstein's on
14 one side of the table and his witness is on the
15 other side. To facilitate the questions, he's going
16 to have Exhibit No. 7 in front of him as is the
17 witness.

18 And proceed.

19 MR. GOLDSTEIN: Q. With respect to Com Ed
20 (sic) Exhibit 7, could you start at the beginning of
21 that exhibit with the first six or seven lines of
22 that exhibit and show what is indicated on that.

1 A. Yes, I can. The first line item from
2 September 28, 2009 down one, two, three, four, five,
3 six, seven, and ending December 31, 2009, all those
4 line items say "transfer debit."

5 The amounts are over to the right in
6 the column that says "charge amount," that transfer
7 debit in our system means that is a past due balance
8 that is from the customer's previous address.

9 JUDGE HILLIARD: Let me make clear what you
10 are -- what I understand you to be saying. There
11 are one, two, three, four, five, six -- seven line
12 items that are dated 9-28-09 through 12-31-09, and
13 each one is a transfer debit, and you are telling me
14 that each one of these line items is a separate
15 transfer relating to the customer's charges for
16 electricity at a previous residence; is that right?

17 THE WITNESS: Correct. Yes. That is the address
18 of 231 McMillan Court. I'm sorry.

19 JUDGE HILLIARD: That's fine. 231 McMillan
20 Court.

21 THE WITNESS: Unit No. 201 in Cortland, Illinois.
22 The zip code is 60112.

1 JUDGE HILLIARD: All right. Proceed,
2 Mr. Goldstein.

3 MR. GOLDSTEIN: Q. All right. Now do you know
4 what the current balance is on Ms. Anderson's
5 account?

6 A. Yes. The present balance outstanding is
7 \$1,015.97.

8 JUDGE HILLIARD: Is that on any of the documents
9 that you have tendered to Ms. Anderson?

10 MR. GOLDSTEIN: It will be shown on the bills
11 that we will present later, Judge. We will tie it
12 together.

13 JUDGE HILLIARD: All right.

14 MR. GOLDSTEIN: Q. Let's now look at what has
15 been marked as -- now during Ms. Anderson's
16 presentation, she brought out that at one point in
17 time she had a zero balance.

18 A. Correct, she did.

19 Q. And could you explain how that occurred and
20 what happened subsequent to that?

21 A. Yes, sir, I can. If we look under the right
22 corner of Exhibit 7 for Ms. Anderson, we notice that

1 the date is November 8, 2010. So what I would like
2 to do is to pull our attention to the date of
3 November actually 1st 2010 on the activity statement
4 itself.

5 Q. And what does that show?

6 A. It will help me explain why on that date,
7 the date that this activity statement was printed
8 out, why the current bill balance shows zero and why
9 the credit amount shows \$5.95.

10 Q. All right. And please do so.

11 A. I'm actually on Page 2, your Honor.

12 JUDGE HILLIARD: Okay.

13 THE WITNESS: If we go up -- first, you know, I
14 do apologize, your Honor. However, the month is --
15 the month is missing on the column. Can I just
16 refer to this just for a second? It's the same line
17 item we see here (indicating). What I would like to
18 start is November 20, 2010. That line item says
19 "Payment agreement."

20 JUDGE HILLIARD: Of November 20, 2010, where
21 do you see that on the document?

22 THE WITNESS: It's here, your Honor (indicating).

1 Right here where it says "Payment Agreement."
2 That's why I was saying the month is cut off.
3 JUDGE HILLIARD: October 20th?
4 THE WITNESS: Yes, sir.
5 JUDGE HILLIARD: So it's not November. It's
6 October.
7 THE WITNESS: Correct.
8 JUDGE HILLIARD: It says -- on the second page of
9 your Exhibit 7 there's a line item that begins
10 "10-2010 payment agreement;" is that right?
11 THE WITNESS: Yes.
12 JUDGE HILLIARD: Okay. Do you see that,
13 Ms. Anderson?
14 MS. ANDERSON: Yes, your Honor. I do.
15 JUDGE HILLIARD: All right.
16 THE WITNESS: If we take that over to the column
17 that says "charge amount," it says 388.79.
18 JUDGE HILLIARD: Actually it says credit amount.
19 THE WITNESS: Well, yes, credit amount 388.79. I
20 do apologize. Thank you, your Honor.
21 What that means is Ms. Anderson
22 actually was setup on what's called a "deferred

1 payment agreement" on October 20, 2010 in the amount
2 of \$388.79. So that means that's the total amount
3 she owed us as of that date.

4 JUDGE HILLIARD: Okay.

5 THE WITNESS: If we come down to when the next
6 bill was issued -- I'm sorry -- the first bill with
7 her being on her payment agreement -- and by the
8 way, if you would allow me to back up, the payment
9 agreement just means that the 388.79 was going to be
10 split over x-amount of months until that past due
11 balance was totally paid off. Her installment
12 amount would be \$35.64 added to the current portion
13 of the bill.

14 If we go down to the next line item
15 where it says "electric service," the dates of
16 service for that bill from October 2nd to
17 November 1, 2010, electric service amount was
18 \$53.60. The next line says "deferred payment
19 agreement," that's \$35.64. If we add those two
20 amounts together, the total amount is \$89.24.

21 JUDGE HILLIARD: Okay.

22 THE WITNESS: So that would have been the amount

1 of Ms. Anderson's bill that would have been due on
2 November the 24th.

3 MS. ANDERSON: And that's including the deposits,
4 your Honor, that were not suppose to be on my
5 account.

6 THE WITNESS: I am going to get to that,
7 Mr. Anderson. Just one moment, please.

8 If we go down, not to the next line
9 where it says "regular bill," because the regular
10 bill just shows the amount, it does say deposit.
11 Deposit in the amount of \$95.95 that we had charged
12 Ms. Anderson is now under the credit amount column.

13 JUDGE HILLIARD: \$95.19.

14 THE WITNESS: Nineteen cents, yes, sir. I'm
15 sorry. \$95.19 is under the credit column. If we
16 credit the 95.19 against the \$89.24, that means that
17 as of the day that the activity statement was
18 printed out for the customer, her credit balance is
19 \$5.95. That's why when the activity statement was
20 printed out on that day it showed a credit balance
21 of \$5.95. If we deduct these two amounts, they show
22 5.95 as a credit. It will also mean that she didn't

1 have an outstanding balance due at that time, nor
2 did she have anything past due at that time, because
3 our system won't look at anything as being past due
4 if our customer is on a payment plan.

5 So I just wanted to explain the 5.95
6 credit and why it says zero for current bill and
7 zero for past due.

8 JUDGE HILLIARD: All right. But her contention
9 is that she doesn't owe a deposit. So why does it
10 say deposit?

11 THE WITNESS: Well, that was the deposit that we
12 credited that we waived. The deposit was waived.

13 JUDGE HILLIARD: I see.

14 MS. ANDERSON: I was still charged the amount,
15 your Honor, which proved deficient performance by
16 Com Ed.

17 JUDGE HILLIARD: Ma'am. Ma'am.

18 MS. ANDERSON: It doesn't take off what I was
19 charged.

20 JUDGE HILLIARD: Ma'am, this is their time to
21 give questions and answers. When they're done with
22 their questions and answers, then you can ask them

1 questions and make comments. Okay?

2 MS. ANDERSON: Yes.

3 JUDGE HILLIARD: Not till then.

4 All right. Just so I am clear, you

5 are saying that there was a demand made in error for

6 a deposit of \$95.19?

7 THE WITNESS: The demand was not made in error,

8 but there was a deposit requested. \$95.19 is the

9 interest.

10 JUDGE HILLIARD: All right. But you are

11 reversing.

12 THE WITNESS: We waived it, yes. We credited it

13 back to her account.

14 JUDGE HILLIARD: Okay. Go ahead.

15 MR. GOLDSTEIN: All right.

16 THE WITNESS: May I speak on the --

17 MR. GOLDSTEIN: Q. Now there's some discussion

18 about, you know, under what terms and conditions

19 Ms. Anderson could be charged a deposit. She

20 provided an exhibit, the printout from the website,

21 which is Exhibit --

22 JUDGE HILLIARD: Exhibit No. 6, Anderson Exhibit

1 6.

2 MR. GOLDSTEIN: Yes. Yes.

3 JUDGE HILLIARD: All right.

4 MR. GOLDSTEIN: Q. Could you explain under what

5 circumstances Com Ed can require a deposit from

6 Ms. Anderson?

7 A. Yes.

8 Q. Please do so.

9 A. Under Section 280.70 for deposit under the

10 Administrative Code --

11 JUDGE HILLIARD: Keep your voice up, please.

12 THE WITNESS: Under Section 280.70 for deposits

13 under the Administrative Code, it says, "The

14 applicants for service condition under which a

15 utility may request a deposit from applicants for

16 service are set out in Section 280.50."

17 I would like to now read the section

18 280.50 please regarding applicants for service

19 according to the Administrative Code.

20 JUDGE HILLIARD: Go ahead and do so.

21 THE WITNESS: "If, after a review of its own past

22 service records, a utility finds that an applicant

1 for residential service has failed to pay for
2 past-due utility service for the same class of
3 service furnished to him or her at the same or at
4 another address and provides a deposit pursuant to
5 Section 280.70."

6 So I wanted to point out that was why
7 the deposit was requested on the customer when she
8 transferred her service from the old address to the
9 new address. There was a past-due balance that I
10 discussed with the transfer debit amount that came
11 over at the time the customer requested service from
12 the McMillan location to her new address which is on
13 Kerrybrook Court.

14 MR. GOLDSTEIN: Q. And those transfer debits
15 from the old address are shown on Anderson
16 Exhibit --

17 JUDGE HILLIARD: 7.

18 MR. GOLDSTEIN: Q -- No. 7 --

19 A. Yes, sir.

20 Q. -- beginning with the date of September 28,
21 2009; is that correct?

22 A. Yes, sir.

1 Q. Let me show you what's been marked as Com Ed
2 Exhibit No. 2, which is a meter reading history for
3 the Kerrybrook address of Ms. Anderson?

4 JUDGE HILLIARD: Has this document been tendered
5 to Ms. Anderson?

6 MR. GOLDSTEIN: This document was provided to
7 Ms. Anderson via letter dated July 19, 2011, Judge.

8 JUDGE HILLIARD: Okay. Can you identify the
9 document so Ms. Anderson can --

10 MR. GOLDSTEIN: Q. Please identify the document
11 for Ms. Anderson, Ms. McKinney.

12 A. This is the meter history from the account.
13 It says "Meter reading history for Meter 115229141."

14 JUDGE HILLIARD: And what are the dates for the
15 beginning and end of the meter reading?

16 THE WITNESS: Yes, sir. The beginning date is
17 December 28, 2009, and the last date on the document
18 is October 4, 2011.

19 JUDGE HILLIARD: All right. Do you have that
20 document, Ms. Anderson?

21 MS. ANDERSON: No, I don't. I have not.

22 MR. GOLDSTEIN: She never received a letter with

1 a bunch of exhibits?

2 JUDGE HILLIARD: Did you receive a letter?

3 What is the date of the letter, ma'am?

4 MS. MORENO: July 19, 2011.

5 JUDGE HILLIARD: Did you receive a letter July

6 19, 2011?

7 THE WITNESS: No, I did not.

8 MS. MORENO: And, Judge, It was sent to you and

9 Mark Goldstein.

10 JUDGE HILLIARD: I received a copy of the letter,

11 ma'am.

12 MS. MORENO: And actually that's where she got

13 the Prairie State Legal Service information that I

14 sent her via this letter.

15 JUDGE HILLIARD: Do you have the Prairie State

16 Legal information, ma'am? You do because you sent

17 it to me.

18 MS. ANDERSON: No, I do not.

19 JUDGE HILLIARD: Ma'am, Anderson Exhibit 6 --

20 MS. ANDERSON: Yes. That's the copy of the

21 Public Utility Legal Aid. Yes, I do have that.

22 JUDGE HILLIARD: That's a document that the

1 company says they sent to you in July.

2 MS. ANDERSON: I didn't need a copy. I sent a
3 copy to you, your Honor.

4 JUDGE HILLIARD: What we are trying to establish
5 here is that you originally received this document
6 from the company.

7 MS. ANDERSON: No. No, I did not. I received
8 this from looking it up on the Internet after we
9 talked about it at the last hearing that we had.
10 You encouraged me to seek legal aid and other
11 advocacy, and this is what I have come up with.

12 JUDGE HILLIARD: Hand me the document. Hand me
13 the letter.

14 MR. GOLDSTEIN: It's a little marked up, Judge,
15 but there's the letter.

16 (Letter tendered.)

17 JUDGE HILLIARD: Ma'am, this letter indicates
18 that you received nine numbered documents or
19 documents that are referred to with nine numbers in
20 the letter. They include information from Prairie
21 State Legal Services, something from Spark Energy
22 with a date 7-19-11, which -- and other documents

1 and this letter is directed to you and a copy to me
2 and a copy to Mr. Goldstein.

3 There's one document which transfer
4 charges from an account ending in 091, a Com Ed
5 activity statement for the same account, transfer
6 charges it says another one, billing for an account
7 ending in 160 from December 28, 2009 through July
8 19, 2011. Do you have any of those documents?

9 MS. ANDERSON: No, I do not, your Honor. The
10 only thing that I do have is the activity statement
11 and it shows where it cancelled the electric service
12 and then it also shows in the credit amount where I
13 paid that in full.

14 JUDGE HILLIARD: All right. Ma'am, you know, I
15 have explained to you several times that it's
16 difficult to conduct a hearing with documents over
17 the telephone. Now I have in front of me evidence
18 that this information was mailed to you, and
19 apparently you have at least one of the documents
20 there with you.

21 MS. ANDERSON: Yes, I do, because I printed it
22 out. That's why I have it.

1 JUDGE HILLIARD: All right. We are going to
2 proceed with the hearing. The company is going to
3 discuss these documents. I'm going to have them
4 send you another copy and I'm going to have them
5 send it to you with a confirmation of receipt, and
6 then if you have any comments or questions that you
7 want to direct to this witness about these
8 documents, we'll have another session of this
9 hearing and you can do so at that time.

10 All right. Proceed with your -- I
11 don't know whether we are at a question or an answer
12 here, but proceed with what we were doing.

13 Could you read back the question.

14 MR. GOLDSTEIN: Is there a question pending?

15 JUDGE HILLIARD: You were talking about the meter
16 history. Go ahead with your meter history.

17 MR. GOLDSTEIN: Q. Okay. That's been marked as
18 Com Ed Exhibit 2. Could you confirm looking at the
19 exhibit, Ms. McKinney, whether Com Ed made an actual
20 meter reading at least every second billing period?

21 A. Yes.

22 Q. And also on the exhibit -- and with respect

1 to the bills that have been provided to
2 Ms. Anderson, can you state whether those bills
3 would show whether there are actual estimated
4 readings as indicated on the bills?

5 A. Yes.

6 Q. All right. And --

7 JUDGE HILLIARD: Actual and estimated readings?

8 MR. GOLDSTEIN: Yes.

9 JUDGE HILLIARD: All right.

10 MR. GOLDSTEIN: Q. And it also shows on Com Ed
11 Exhibit 2 that there was a meter test taken on
12 November 29, 2010; is that correct?

13 A. Yes.

14 Q. Let me show you what has been marked --
15 could I see that July letter.

16 (Letter tendered.)

17 Let me show you, Ms. McKinney, what
18 has been marked as Com Ed Exhibit 4. Do you have
19 that in front of you?

20 A. I do, yes.

21 JUDGE HILLIARD: Do you have a copy for me?

22 MR. GOLDSTEIN: Yes. It's in the package

1 somewhere.

2 JUDGE HILLIARD: All right. Please identify the
3 document you are referring to.

4 MR. GOLDSTEIN: Q. Could you identify what is
5 shown on Com Ed Exhibit 4 --

6 A. This is --

7 Q. -- Ms. McKinney?

8 A. Yes. These are copies of the two ICC
9 informal complaints.

10 Q. And this is the resolution of those
11 complaints, is it not?

12 A. Yes. The first complaint was received on
13 October 18, 2010 where Ms. Anderson was requesting
14 for the deposit to be removed.

15 Q. And what else is shown on Com Ed Exhibit No.
16 4?

17 A. On November 20, 2010, Com Ed spoke to the
18 customer and waived the customer's deposit. Do you
19 want me to continue?

20 Q. Yes, please.

21 A. On November 4, 2010 Com Ed credited the
22 deposit in the amount of \$95.19 in interest.

1 JUDGE HILLIARD: Where does it say that on
2 Exhibit No. 4 with that date?

3 THE WITNESS: Right here, your Honor, where
4 the "Resolution Comments: After review of account,
5 we'll waive customer's deposit."

6 MR. GOLDSTEIN: Q. And that's on the initial
7 page of Com Ed Exhibit 4?

8 A. Yes, it is.

9 JUDGE HILLIARD: Okay. On the bottom of the page
10 "Resolution Comments," okay. I see that. But it
11 doesn't reference a date that you mentioned earlier.

12 THE WITNESS: Well, the date -- the date
13 completed. If we go up in this part of the document
14 (indicating), the date of October 18th is here
15 (indicating) and the date of October 20th is here
16 (indicating).

17 JUDGE HILLIARD: All right. So towards the upper
18 half of the document, there's a date completed
19 October 20, 2010. Is that what you are referring
20 to?

21 THE WITNESS: Yes, your Honor.

22 JUDGE HILLIARD: Okay. Go ahead.

1 MR. GOLDSTEIN: Q. And there was a second
2 complaint filed by Ms. Anderson; is that correct?

3 A. There was. The second complaint was
4 received on December 2, 2010 where Ms. Anderson was
5 requesting --

6 JUDGE HILLIARD: That's Page 2 of Exhibit 4?

7 THE WITNESS: It is. And the date here is
8 December 2nd --

9 JUDGE HILLIARD: Right.

10 THE WITNESS: -- 2010.

11 MR. GOLDSTEIN: All right. And --

12 THE WITNESS: I'm sorry. Ms. Anderson was
13 requesting a meter test.

14 MR. GOLDSTEIN: Q. I'm sorry. Go --

15 A. I'm so sorry.

16 Q. Go ahead.

17 A. On December 2, 2010, Com Ed sent a letter to
18 Ms. Anderson with the meter test results and
19 Com Ed's resolution that the account was billed
20 correctly.

21 Q. And the meter test results were provided as
22 part of the resolution of the complaint; is that

1 correct?

2 A. Yes.

3 Q. And that's also shown on what has been
4 marked as Com Ed Exhibit 3. Is that the meter test
5 results?

6 A. Yes.

7 Q. And those meter test results show what?

8 A. The meter test results show that the meter
9 tested within Com Ed and the ICC standards.

10 Q. And --

11 JUDGE HILLIARD: That's on the first page of
12 Com Ed Exhibit 3 towards the top of the document --
13 top third of the document under "completion
14 comments;" is that correct?

15 THE WITNESS: Yes, sir.

16 JUDGE HILLIARD: All right.

17 MR. GOLDSTEIN: And it's also shown on what is
18 Pages 3, 4, and the letter that accompanied all this
19 from Com Ed dated December 2010, which is Page 5 of
20 Com Ed Exhibit No. 4, Judge.

21 JUDGE HILLIARD: Okay.

22 MR. GOLDSTEIN: Q. And, finally, Ms. McKinney,

1 let me show you what's been marked as Com Ed Exhibit
2 5, which is really a group exhibit, which are the
3 Com Ed bills. Do you have that in front of you?

4 A. Yes. These are the copies of the bills sent
5 to the customer.

6 Q. And do those bills indicate the current
7 balance that is owed by Ms. Anderson on her account?

8 JUDGE HILLIARD: All right. Is this -- is Com Ed
9 Exhibit 5 a document that was tendered to
10 Ms. Anderson in July of 2011?

11 MR. GOLDSTEIN: Those were not part of the July
12 19th tendered to Ms. Anderson.

13 JUDGE HILLIARD: Were they tendered to her at any
14 time?

15 MR. GOLDSTEIN: Those are bills that were
16 ordinarily sent to Ms. Anderson by Com Ed in every
17 single month.

18 JUDGE HILLIARD: All right. When you send --
19 re-send the documents to Ms. Anderson referred to in
20 the July 19th letter, send her a specific marked
21 copy of each one of the exhibits that you are using
22 in this hearing, including Exhibit No. 5.

1 MR. GOLDSTEIN: I'll be happy to do that, Judge.

2 JUDGE HILLIARD: All right. Proceed.

3 MR. GOLDSTEIN: Q. Based upon your evaluation of

4 Ms. Anderson's account and all the Com Ed records

5 that we have referenced today, do you have an

6 opinion as to whether Com Ed properly billed

7 Ms. Anderson's account?

8 A. Yes.

9 Q. And what is that opinion?

10 A. That Com Ed properly billed Ms. Anderson's

11 account.

12 MR. GOLDSTEIN: I have nothing further at this

13 time. Obviously, I would move into evidence Com Ed

14 Exhibits 1 through 5. I assume you are going to

15 reserve ruling on that pending providing those

16 exhibits to Ms. Anderson.

17 JUDGE HILLIARD: All right. Do you have any

18 questions for the witness, Ms. Anderson?

19 MS. ANDERSON: Yes, I do.

20 JUDGE HILLIARD: Go ahead.

21 MS. ANDERSON: I would like to refer back to the

22 exhibits that I sent in to you, your Honor.

1 JUDGE HILLIARD: Which one?

2 MS. ANDERSON: Exhibit No. 2.

3 JUDGE HILLIARD: All right.

4 MS. ANDERSON: And that is the Com Ed bill that

5 was issued on July 1, 2011 --

6 JUDGE HILLIARD: Okay.

7 MS. ANDERSON: -- for \$717 again to prove the

8 excessive rate charge. This is what I'm asking the

9 Illinois Commerce Commission to enforce that I'm

10 being billed excessively --

11 JUDGE HILLIARD: Right. Do you have a question

12 for the witness?

13 MS. ANDERSON: -- that it was only six days.

14 JUDGE HILLIARD: Do you want the witness to

15 explain how the bill can be --

16 MS. ANDERSON: Six days later that it's \$96 more,

17 yes.

18 JUDGE HILLIARD: Okay. Can you comment on that,

19 ma'am?

20 THE WITNESS: The 717.65 was not for one month of

21 service. This was actually a carrying balance from

22 when the payment of the 132.07 was actually paid to

1 your account and also this --

2 JUDGE HILLIARD: Wait a minute. You are
3 answering this document by referring to Anderson
4 Exhibit 7; is that correct?

5 THE WITNESS: Yes.

6 JUDGE HILLIARD: All right. Can you tell,
7 Ms. Anderson, where on Exhibit 7 the numbers on
8 Anderson Exhibit 2 are contained or included?

9 THE WITNESS: I can. If we -- no, because hers
10 was printed -- hers has a date of November 8, 2010,
11 your Honor. So the date in question is
12 July 1, 2011. So, unfortunately, the exhibit that
13 Ms. Anderson has submitted to the court, the last
14 date that it would show would be November 8, 2010.
15 It wouldn't show anything past that.

16 JUDGE HILLIARD: All right. Is there a document
17 that would summarize how the bill for July 1, 2011
18 came to be \$717.65?

19 A. Yes, sir.

20 JUDGE HILLIARD: What's that?

21 THE WITNESS: This is the activity statement --
22 another activity statement, but it comes out through

1 the date of November the -- I'm sorry -- October 7th
2 of this year.

3 JUDGE HILLIARD: All right. And is that an
4 exhibit?

5 MR. GOLDSTEIN: Yes. That was originally marked
6 as Com Ed Exhibit 1.

7 JUDGE HILLIARD: All right. You are going to
8 tender that to Ms. Anderson?

9 MR. GOLDSTEIN: Yes, we are, Judge.

10 JUDGE HILLIARD: All right. Please explain how
11 we got to \$717.65.

12 THE WITNESS: If I may pick up back from where I
13 left off before, your Honor --

14 JUDGE HILLIARD: You are talking about Exhibit 1,
15 Com Ed's exhibit?

16 THE WITNESS: Well, actually with the line item
17 when we credit the deposit -- where we waive the
18 deposit to Ms. Anderson's account in the manner of
19 \$95.19, second page.

20 MR. GOLDSTEIN: Of Exhibit 7, Judge.

21 JUDGE HILLIARD: We are talking about the second
22 page of Exhibit 7?

1 MS. MORENO: Or Exhibit 1?

2 MR. GOLDSTEIN: Or Exhibit 1, either one.

3 JUDGE HILLIARD: Let's be consistent. What

4 document are you looking at?

5 THE WITNESS: I'm looking at Com Ed Exhibit 1,

6 your Honor.

7 JUDGE HILLIARD: And on the second page of

8 Com Ed Exhibit 1 what?

9 THE WITNESS: \$95.19.

10 JUDGE HILLIARD: Appears where?

11 The witness: The date of November 4, 2010 --

12 JUDGE HILLIARD: Okay.

13 THE WITNESS: -- where I discussed previously --

14 JUDGE HILLIARD: Credit amount 95.19?

15 THE WITNESS: Correct. And I explained why for

16 that day we have the \$5.95 credit on the customer's

17 account. Ms. Anderson was still on a deferred

18 payment plan.

19 The next bill came out for 102.38

20 billed to her current monthly charges and her

21 deferred amount with 35.64.

22 JUDGE HILLIARD: Wait a minute. 102.38 appears

1 on the bill on December 3, 2010?

2 THE WITNESS: Correct. Yes.

3 JUDGE HILLIARD: Go ahead.

4 THE WITNESS: And her installment amount is

5 \$35.64.

6 JUDGE HILLIARD: All right.

7 THE WITNESS: So the total amount of the bill was

8 \$132.07.

9 JUDGE HILLIARD: Which appears under the total

10 bill column?

11 THE WITNESS: Correct. And if we go over to the

12 due date, the bill had a due date of December 27,

13 2010. It's the next date over.

14 JUDGE HILLIARD: I see.

15 THE WITNESS: When our customers are on a

16 deferred payment plan, part of the agreement is that

17 they will pay their bills on or before the due date

18 to remain on the payment plan.

19 JUDGE HILLIARD: All right. Now just for

20 Ms. Anderson's convenience, I would also note that

21 this 132.07 appears on the second page of Anderson

22 Exhibit 7. It's the last entry down there for

1 12-3-10. Go ahead.

2 THE WITNESS: Okay. The next bill came out on
3 January 6, 2011. Unfortunately, I'm not sure if
4 Ms. Anderson will see that. However, the current
5 portion -- but she should have the next bill. The
6 current portion of the bill was 102.39. Because the
7 132.07 had not been posted by December the 27th --

8 JUDGE HILLIARD: Payment hadn't posted?

9 THE WITNESS: Correct. The payment of 132 had
10 not posted by December 27th. Unfortunately,
11 Ms. Anderson was removed from her deferred payment
12 plan. She had defaulted.

13 JUDGE HILLIARD: All right. Now --

14 THE WITNESS: I'm trying to get to the 7 --

15 JUDGE HILLIARD: Let me refer Ms. Anderson to the
16 first line item. The first bill of -- total bill
17 amount on Page 2 of Anderson Exhibit 7 shows an
18 outstanding balance as of 10-4-2010 of \$689.06; is
19 that right?

20 THE WITNESS: Correct. Yes.

21 JUDGE HILLIARD: And that number also appears at
22 the top of Com Ed Exhibit 1 with the same date,

1 right?

2 THE WITNESS: I'm sorry. I didn't follow you.

3 You said the 689.09?

4 JUDGE HILLIARD: 689.06.

5 THE WITNESS: Right. That has a date of

6 10-14-10.

7 JUDGE HILLIARD: All right. It says -- on my

8 page it says October 4, 2010.

9 THE WITNESS: Right. 10-4-10, October 4, 2010.

10 JUDGE HILLIARD: And that's at the top of the

11 page of Com Ed Exhibit 1, so that we are talking

12 about the same numbers for the same account at least

13 for this period of time.

14 All right. Subsequently, there are

15 more bills. And were there more payments?

16 THE WITNESS: Yes. Ms. Anderson did make the

17 payment 132.07. That amount did pay -- it posted to

18 her account on January 12, 2011.

19 JUDGE HILLIARD: Okay.

20 THE WITNESS: Unfortunately, as I stated before,

21 she had been removed from the payment plan because

22 we were expecting the payment on December 27th.

1 JUDGE HILLIARD: So when you are removed from the
2 payment plan, what happens to your bill?

3 THE WITNESS: The amount that you had put in the
4 payment plan now becomes part of the current
5 charges. So, in other words, you can't pay it out
6 in monthly installments any more.

7 JUDGE HILLIARD: You owe the whole amount at one
8 time?

9 THE WITNESS: Correct. You owe the amount at one
10 time.

11 JUDGE HILLIARD: She gets credit for the amount
12 that she paid on the payment plan, but the entire
13 outstanding balance becomes due and payable --

14 THE WITNESS: Yes.

15 JUDGE HILLIARD: -- at that time?

16 THE WITNESS: Yes.

17 JUDGE HILLIARD: And that happened when?

18 THE WITNESS: She defaulted off the payment plan
19 on December 29, 2010.

20 JUDGE HILLIARD: And what happened then? What
21 was the total amount due and owing as of the time
22 that the default was noted on her account?

1 THE WITNESS: 358.41.

2 JUDGE HILLIARD: And that appears opposite an

3 entry for 12-29-2010; is that right?

4 THE WITNESS: Yes, sir.

5 JUDGE HILLIARD: Okay.

6 THE WITNESS: Then we have the current portion of

7 her next bill which was the 102.39. I am just

8 trying to see why the amount now is at 565.17.

9 JUDGE HILLIARD: And that's how you get to

10 565.17?

11 THE WITNESS: Yes, sir. Okay. Ms. Anderson's

12 payment of 132.07 comes in on the January 12, 2011.

13 The next month of service was for \$111.43 bringing

14 her balance back up to 549.46.

15 MS. ANDERSON: What page?

16 THE WITNESS: Correct. I'm getting there.

17 JUDGE HILLIARD: She's going to tell you that,

18 ma'am.

19 THE WITNESS: Okay. The 111.43 did post to her

20 account on March the 7th. The next bill for \$87.97

21 was then added to the account bringing the balance

22 to 534.17. The next monthly charges of 75.03 --

1 JUDGE HILLIARD: You had a late charge of \$8.01.

2 THE WITNESS: Correct. Correct again. The 8.01,
3 the 75.03 are now added to the 534.17 bringing the
4 amount to 617.21. The next month of service comes
5 out and that is for \$65.02. The late payment charge
6 added there \$9.26 bringing the balance to 691.49. A
7 payment of 75.03 then posted to the customer's
8 account on May 17, 2011. Okay. And now we have the
9 current portion of the customer's bill, which is
10 31.82, which is Com Ed's portion of the bill, the
11 late payment charge of \$9.26, and the customer's now
12 with a residential electric supplier, Spark Energy,
13 who has charged her \$49.49.

14 JUDGE HILLIARD: So wait a minute. Now she's
15 getting an electric bill from Com Ed and she's
16 getting an electric bill from Spark Energy?

17 THE WITNESS: Correct. Yes.

18 JUDGE HILLIARD: Is that the way it's suppose to
19 work?

20 THE WITNESS: Yes, because --

21 MR. GOLDSTEIN: It's all on the same bill.

22 THE WITNESS: Yes. It's all on the same bill.

1 JUDGE HILLIARD: Well, why are there two people
2 billing her for electric service, two entities?

3 THE WITNESS: That's the way Ms. Anderson -- she
4 chose to have Spark Energy as her electric supplier.
5 Com Ed is just distribution.

6 JUDGE HILLIARD: So Com Ed is doing the delivery
7 and Spark Energy is doing the sales?

8 THE WITNESS: The supply, yes.

9 JUDGE HILLIARD: The supply? All right.

10 THE WITNESS: So that is why she's now seeing the
11 two line items on her bill. One for Com --

12 JUDGE HILLIARD: And every month is a late
13 charge?

14 THE WITNESS: Yes. So now we are at the 707.03.

15 JUDGE HILLIARD: Right.

16 THE WITNESS: Okay. A late payment charge of
17 \$10.62 hit the account. That's why I wanted to get
18 to the 717.65 that Ms. Anderson saw on her bill for
19 July 1, 2011.

20 Now if we go back to the bill
21 itself -- I don't think she got the back of the
22 bill. One moment, please.

1 (A brief pause.)

2 MS. MORENO: We have a copy.

3 THE WITNESS: I see it. I see it. I'm sorry.

4 If we look at Anderson Exhibit 2, it says, "The
5 current monthly electric service has been delayed."

6 That means that the current portion of the
7 customer's bill has not yet been rendered or billed
8 forward. These types of bills come out for a couple
9 of reasons.

10 Sometimes -- I don't know if it was an
11 issue with the RES. I don't believe it was an issue
12 with our readings, because we do have actual
13 readings consistently on the account.

14 But what the customer may not realize
15 is our residential electric suppliers are suppose to
16 get to us what's called an 810. An 810 is just an
17 electronic submission to us to let us know how much
18 to bill the customer for. If they have not done
19 that, we cannot send the bill out, and what we will
20 do is say send a letter out to the customer to let
21 them know the current month's electric service has
22 been delayed. So that would have been the bill the

1 customer received six days later, which may be
2 Anderson Exhibit 3. I don't have it in front of me
3 I see the date.

4 Once we receive the readings, the bill
5 would have come out, and this is the bill. So it's
6 not that the 717.65 is an actual bill full of
7 charges. That was just the balance of the
8 customer's account as of July 1, 2011.

9 Now what the customer has received on
10 July 7, 2011 is the actual bill itself showing the
11 charges from Spark Energy as well as the charges
12 from Com Ed.

13 JUDGE HILLIARD: Okay.

14 THE WITNESS: Okay.

15 JUDGE HILLIARD: Are we done with that now?

16 THE WITNESS: Yes.

17 JUDGE HILLIARD: All right. Ms. Anderson, do you
18 have another question?

19 MS. ANDERSON: Yes. I just would like to say
20 that I entered into the --

21 MR. GOLDSTEIN: I'm going to object to this,
22 Judge. Let her ask questions of the witness.

1 JUDGE HILLIARD: All right. It's a lay person
2 here. She's trying get to her comments here.

3 The format here is you are suppose to
4 ask questions of the witness, ma'am. When we are
5 all done, I am going to let you make other comments.
6 Have you got any more questions for the witness?

7 MS. ANDERSON: Just that it is -- no, I don't.
8 No.

9 JUDGE HILLIARD: All right. Do you have any
10 redirect --

11 MR. GOLDSTEIN: No redirect, Judge.

12 JUDGE HILLIARD: -- for the witness?

13 Now we are not going to be done with
14 this. We are going to send Ms. Anderson your
15 exhibits and then we are going to reconvene. And if
16 there's anything further -- and you are going to
17 bring back your witness.

18 MR. GOLDSTEIN: Oh, sure.

19 JUDGE HILLIARD: And if there's any questions
20 that she has, she can ask them at that time.

21 MR. GOLDSTEIN: That's fine.

22 JUDGE HILLIARD: Now, because I know that

1 Ms. Anderson has a couple of things on her mind, and
2 because she's a non-attorney, I am going to let her
3 make comments that she wants to make right now
4 without the burden of putting them in question form.

5 So go ahead, ma'am.

6 MS. ANDERSON: I just want to say, your Honor,
7 thank you, and the reason why I defaulted when I was
8 put into a deferred payment arrangement is because
9 when you are filing a complaint, that is what you
10 have to do in order to keep your service on. So
11 that is what I did.

12 Now the \$132.07 bill came out after I
13 entered the deferred payment arrangement.

14 JUDGE HILLIARD: Okay.

15 MS. ANDERSON: That is only -- I wouldn't have
16 had to enter into the deferred payment arrangement
17 if there hadn't been excessive charges on my bill.

18 JUDGE HILLIARD: Okay.

19 MS. ANDERSON: They're saying that I defaulted on
20 the deferred payment arrangement. I would have
21 never had to enter that if I hadn't had to file this
22 complaint due to excessive rate charges on my bill.

1 JUDGE HILLIARD: All right. Anything else you
2 want to say? You are going to get another chance to
3 say things.

4 MS. ANDERSON: Well, for today I think that
5 should be enough.

6 JUDGE HILLIARD: All right. Good.

7 When you can send these documents to
8 Ms. Anderson, then we'll reconvene. I don't have
9 much time this month. I have got a rate case I'm
10 working on, so let's do this next month.

11 MR. GOLDSTEIN: Didn't we have another hearing,
12 Judge, that was November 2nd?

13 JUDGE HILLIARD: I am not doing November 2nd.
14 I have a rate order due.

15 MR. GOLDSTEIN: There was one other matter that
16 was continued. Was that Davis?

17 JUDGE HILLIARD: I have got a Fedder (phonetic)
18 case on November 8th.

19 MR. GOLDSTEIN: But we also have Davis
20 afterwards, which is a continuation of another
21 evidentiary hearing at 3 o'clock on that date.

22 JUDGE HILLIARD: You want to do that that day?

1 MR. GOLDSTEIN: Yes.

2 JUDGE HILLIARD: So you want to do it at what

3 time? 4 o'clock?

4 MR. GOLDSTEIN: 4 o'clock.

5 JUDGE HILLIARD: Can you do it at 4 o'clock on

6 the 8th of November, Ms. Anderson?

7 MS. ANDERSON: 4 p.m.?

8 JUDGE HILLIARD: Yes.

9 MS. ANDERSON: November 8th?

10 JUDGE HILLIARD: Can you be here on that date at

11 that time? So does that work for you, Ms. Anderson?

12 MS. ANDERSON: Yes.

13 JUDGE HILLIARD: All right. We will continue

14 this matter then to November 8th at 4 p.m.

15 MS. ANDERSON: Thank you.

16 JUDGE HILLIARD: All right. I'm going to

17 disconnect you now. Okay.

18

19

20

21

22

1 MS. ANDERSON: Okay.

2 (Whereupon, the above

3 matter was adjourned

4 to be continued to

5 November 8, 2011 at

6 4 o'clock p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22